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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,646	08/31/1999	PIERRE C. FAZAN	660073.488D1	1639

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EDWARD W. BULCHIS
DORSEY AND WHITNEY LLP
U. S. BANK CENTRE, SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

EXAMINER

VU, HUNG K

ART UNIT	PAPER NUMBER
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2811

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/386,646

Applicant(s)

FAZAN ET AL.

Examiner

Hung K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 24-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19. 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 11/14/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/386,646 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 24-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (PN 5,296,400, of record) in view of Poppert et al. (PN 4,593,459).

Park et al. discloses a microelectronic device comprising,

a microelectronic substrate (1);

a gate structure including a gate oxide layer (4) formed on the substrate, a first gate layer (lower portion of 5) formed on the gate oxide layer, and an adhesion layer (upper portion of 5) formed on the first gate layer, the gate structure having a field oxide layer (3) at least partially disposed therein and extending into the substrate;

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the field oxide layer not contact the gate oxide layer, the field oxide layer having a field oxide level between the level of the upper surface of the substrate and the level of an upper surface of the first gate layer.

a component formed on the field oxide, the component extending from the field oxide by a height at least equal to approximately two times a height that the field oxide extends from the trench beyond the surface of the substrate;

further comprising an oxide spacer (7) adjacent the component. Note Figures 1A-2H of Park et al..

Park et al. discloses the field oxide is a LOCOS. Park et al. does not disclose the field oxide is a trench isolation. However, Poppert et al. discloses a microelectronic device comprising a trench isolation (46,47). Note Figures 1-10 of Poppert et al.. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the field oxide of Park et al. by trench isolation, such as taught by Poppert et al. in order to prevent the bird-effect and further isolate the devices from each others.

With regard to claims 24-25, Park et al. and Poppert et al. do not disclose the structure further comprising a silicide layer formed on the adhesion layer. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a silicide layer on the adhesion layer because this structure reduces the contact resistance.

With regard to claim 35, Park et al. does not disclose the first gate layer comprise a polysilicon layer. However, Poppert et al. discloses the first gate layer (53,54) comprise a polysilicon layer.

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Note Figures 1-10 of Poppert et al.. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the first gate layer of Park et al. comprises a polysilicon layer, such as taught by Poppert et al. because polysilicon is commonly and easy to form as the gate layer.

3. Claim 22, 24, 25, 28, 29, and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al. (PN 4,935,802, of record) in view of Poppert et al. (PN 4,593,459).

Noguchi et al. discloses a microelectronic device comprising,

a microelectronic substrate (11);

a gate structure including a gate oxide layer formed on the substrate, a first gate layer formed on the gate oxide layer, and an adhesion layer formed on the first gate layer, and a conductive layer formed on the adhesion layer;

the field oxide layer extending beyond the surface of the substrate by a height which is less than or equal to approximately one half of a height of the gate structure formed on the substrate, the field oxide layer not contact the gate oxide layer and not extending laterally over the surface of the substrate. Note Figures 1-4 of Noguchi et al..

Noguchi discloses the field oxide is a LOCOS. Noguchi et al. does not disclose the field oxide is a trench isolation. However, Poppert et al. discloses a microelectronic device comprising a trench isolation (46,47). Note Figures 1-10 of Poppert et al.. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the field

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oxide of Noguchi et al. by trench isolation, such as taught by Poppert et al. in order to prevent the bird-effect and further isolate the devices from each others.

With regard to claims 24, Noguchi et al. and Poppert et al. do not disclose the conductive layer is a silicide layer. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the conductive layer of Noguchi et al. and Poppert et al. as a silicide layer in order to reduce the contact resistance.

With regard to claims 29, 31, and 33, Noguchi et al. does not disclose an oxide spacer adjacent the gate structure. However, Poppert et al. discloses an oxide spacer (62) adjacent the gate structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the gate structure of Noguchi et al. having an oxide spacer, such as taught by Poppert et al in order to protect the gate and the source/drain region from short-circuit.

With regard to claim 35, Noguchi et al. and Poppert et al. ^{show} the first gate layer comprises a polysilicon layer.

Response to Arguments

4. Applicant's arguments with respect to claims 22, 26, 28, 30, 32, and 34 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

5. Papers related to this application may be submitted to Technology Center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to ***Hung Vu*** whose telephone number is **(703) 308-4079**. The Examiner is in the Office generally between the hours of 7:00 AM to 5:30 PM (Eastern Standard Time) Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Tom Thomas***, can be reached on **(703) 308-2772**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **(703) 308-0956**.

Vu

February 8, 2002

Steven Loke
Primary Examiner

